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Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Washington, D.C. 20554

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03-123

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NOV 22 2004

Control No. 0403543-Pol

The Honorable E. Benjamin Nelson  
United States Senate  
720 Hart Senate Office Building  
Washington, D.C. 20510-2706

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Federal Communications Commission  
Office of the Secretary

Dear Senator Nelson:

Thank you for your letter of October 25, 2004, to the Consumer and Governmental Affairs Bureau of the Federal Communications Commission (Commission or FCC), on behalf of your constituent, Mr. Steven Manning, expressing his concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS).

Mr. Manning states that the quality of VRS is deteriorating. Mr. Manning asks that the FCC make no further reductions in the VRS interim rate until the VRS cost methodology is completed and VRS is available 24/7 with high quality interpreters and a reasonable speed of answer. Mr. Manning also asks that Congress reconsider reimbursement of video mail.

We do not believe that the quality of VRS services have decreased due to a change in the compensation paid to VRS providers. As a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2004 to June 2005 Fund year, NECA submitted a proposed VRS compensation rate of \$7.293 per minute. On June 30, 2004, the Bureau issued an Order (DA 04-1999) approving NECA's proposed rate, subject to adjustments discussed in the Bureau's Order. A copy of that Order (DA 04-1999) is enclosed.

Some of the concerns raised by Mr. Manning may stem from the fact that VRS is not a mandatory form of TRS. Under our rules, there is no requirement that non-mandatory forms of TRS be offered on a 24/7 basis. In any event, there is nothing to prevent VRS providers from offering the service on a full-time basis, and if they choose to do so they will be compensated from the Interstate TRS Fund. In fact, the Commission understands that some providers are now offering VRS on a 24/7 basis. We expect that the current competition in the provision of VRS (there are presently seven providers) may result in providers continuing to expand their hours. In addition, because VRS remains a relatively new service, it is not mandatory. As such, several standards applicable to other forms of TRS do not apply to VRS, in some cases as the result of requests by the providers. We continually monitor this situation to see whether changes are warranted.

Our continued attention to the evolution of VRS is also reflected in the Further Notice of Proposed Rulemaking (FNPRM) the Commission released on June 30, 2004 (FCC 04-137), seeking comment on various matters concerning the provision, regulation, and compensation of VRS, including the concerns raised by Mr. Manning. Specifically, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rulemaking that was released by the Commission on June 30, 2004, is also enclosed. These issues will be addressed in a future order.

We note that VRS continues to grow rapidly in popularity. In fact, although VRS has been available only for the past two and a half years, in the past year alone the use of VRS has increased from 211,529 minutes in June 2003, to 1,150,935 minutes in September 2004.

With regard to Mr. Manning's concerns over video voice mail, we note that a Public Notice (DA 04-2062) was released on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. After all of the comments on this issue are reviewed, the Commission will address the matter in a future order. A copy of the Public Notice is enclosed.

To the extent Mr. Manning has concerns about the provision of VRS, we encourage him to actively participate in proceedings before the Commission to ensure that his opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe to and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to [subscribe@info.fcc.gov](mailto:subscribe@info.fcc.gov) and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite Mr. Manning to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

The Honorable E. Benjamin Nelson

Page 3

We have placed a copy of Mr. Manning's correspondence in the public record for these proceedings. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", with a long horizontal flourish extending to the right.

K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures

E. BENJAMIN NELSON

NEBRASKA

(202) 224-6551

FAX: (202) 228-0012

<http://bennelson.senate.gov>

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FCC - MAILROOM

United States Senate

WASHINGTON, DC 20510-2706

October 25, 2004

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Policy-Disb.  
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Federal Communications Commission  
Office of Legislative Affairs  
Attention: K. Dane Snowden, Chief  
Consumers & Governmental Affairs Bureau  
445 12th Street, S.W.  
Washington, DC 20554

Dear Mr. Snowden:

A constituent has shared a concern regarding Video Relay Services (VRS) functional equivalency, which I would like the Federal Communications Commission to consider.

My constituent is concerned about the deteriorating quality of VRS, and I would like you to keep his thoughts in mind should the Commission address this issue in the near future.

Thank you for your time. I appreciate all the work the Commission does.

Sincerely,



E. Benjamin Nelson  
United States Senator

EBN:kmh

Enclosure

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FAX: (402) 391-4725

Nelson, Ben (Ben Nelson)

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From: Nobody [nobody@www.senate.gov]  
Sent: Sunday, June 27, 2004 10:07 PM  
To: Nelson, Ben (Ben Nelson)  
Subject: From Senator Webpage

<APP>SCCMAIL  
<PREFIX>Mr.</PREFIX>  
<FIRST>Steven</FIRST>  
<LAST>Manning</LAST>  
<ADDR1>17039 Orchard Ave</ADDR1>  
<ADDR2></ADDR2>  
<CITY>Omaha</CITY>  
<STATE>NE</STATE>  
<ZIP>68135</ZIP>  
<HPHONE>711 #4028915704</HPHONE>  
<WPHONE></WPHONE>  
<EMAIL>manning71@cox.net</EMAIL>  
<MSG>Steven Manning  
17039 Orchard Ave  
Omaha, NE 68135

June 27, 2004

The Honorable Ben Nelson  
United States Senate  
720 Hart Senate Office Building  
Washington, D.C. 20510-2706

Senator Nelson:

I have suffered from a deteriorating quality of Video Relay Services (VRS). Please ensure that the FCC makes no further reductions in the VRS interim rate until VRS functional equivalency is achieved, including the completion of the FCC's process for determining the cost recovery methodology, and until VRS is available 24/7 with high quality interpreters and a reasonable average speed of answer. Please also reconsider reimbursement of video mail, as I need a way for hearing people to leave me a message.

Sincerely,

Steven M. Manning

</MSG>  
<TOPIC>Comm</TOPIC>  
</APP>